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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,057	03/01/2004	Charles John Call	MESO0071	2863

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EXAMINER

POPE, DARYL C

ART UNIT PAPER NUMBER

2612

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/791,057

Applicant(s)

CALL, CHARLES JOHN

Examiner

DARYL C. POPE

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 40 is objected to because of the following informalities: It appears that applicant inadvertently attached claim 34 at the end of claim 40. Therefore, this attachment should be removed. Appropriate correction is required.

ART REJECTION:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5,8-9,11-14,17-18,20-22,25-26,29-30,32-33,35-37, and 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Padmanabhan et al(7,096,125).

-- In considering claim 1, the claimed subject matter that is met Padmanabhan et al(Padmanabhan):

1) the sensor on the surface air sampler is met by LIDARS including the broadband detection type sensors(120) and sensors(130) which are utilized in air intakes(see: column 3, lines 32-39);

2) the communication interface coupled to the sensor is met by the integrating controller(210) which is coupled to the sensors to output sensors information to a operating center controller(220).

-- With regards to claim 2, the sensor being a biological or chemical sensor is met(see: column 3, lines 48 et seq).

-- With regards to claims 3-4, the interface being a transmitter and a transceiver is met by the processor(210) being capable of transmitting and receiving information to/from other devices in the system via RF transceivers(245).

-- With regards to claim 5, the interface configured to communicate over an automation system network is met by the network of RF transceivers(245) which allow intercommunication of devices in the system.

-- With regards to claim 8, the battery backup power supply(see: column 6, lines 9-16).

-- With regards to claim 9, the building and its envelope comprising the device is met by the sensors being utilized in a building(see: figure 6).

-- Claim 11 recites subject matter that is met as discussed in claim 1 above.

-- Claim 12 recites subject matter that is met as discussed in claim 2 above.

-- With regards to claim 13, the second sensor other than the sensor based on regenerative surface, and activated by the positive response of the first sensor is met by the downstream trigger sensors(not shown) which are activated by positive responses from the broadband sensors(see: column 3, lines 62 et seq).

-- Claim 14 recites subject matter that is met as discussed in claim 1 above.

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-- With regards to claim 17, the controller capable of actuating at least one other component in response to receiving information from the sensor is met by the processor activating sending signals to a sampler/concentrator such that samples of air are collected for further analysis(see: column 5, lines 55 et seq).

-- Claim 18 recites subject matter that is met as discussed in claim 14 above(see: figure 6).

-- Claim 20-22,25, and 36-37 recite subject matter that is met as discussed in claim 1 above, as well as:

1) the at least one actuator is met by the IC/OCC system control with analysis(640);

2) the air management component coupled to the actuator is met by the sampler/concentrator(250) which receives signals from the IC and is thereby actuated to collect samples of air for further analysis(see: column 5, lines 60 et seq).

-- Claim 26 recites subject matter that is met as discussed in claim 20 above.

-- With regards to claims 29-30, the transceiver communicating wirelessly is met by the RF transceivers(245).

-- Claim 32 recites subject matter that is met as discussed in claim 1 above.

-- Claim 33 recites subject matter that is met as discussed in claim 2 above.

-- Claim 35 recites subject matter that is met as discussed in claim 1 above.

-- Claims 36-37 recite subject matter that is met as discussed in claim 20 above(see: column

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-- With regards to claims 38-39, the step of issuing an warning signal and transmitting the alert signal to facility management is met by the controller receiving sensor outputs and outputting threat information to a building controller(580, column 7, lines 37-42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7,10,15-16,19,23-24,27-28,31, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padmanabhan et al(Padmanabhan).

-- With regards to claims 6-7, the examiner takes Official Notice that in the network communication art, use of LonWorks, and CEBus automation systems are well known in the art, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate those automation systems, or any other system as desired into the network of Padmanabhan, since this would enhanced the reliability of the automation system for the purpose of system intercommunication of devices in the system.

-- With regards to claim 10, although the system of Padmanabhan is utilized in a building, it would have been obvious to none of ordinary skill in the art at the time the invention was made to utilize the system in an airplane, since an airplane would have included a similar air circulation system to a building that would have been readily adaptable to the use of the Padmanabhan system.

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-- With regards to claims 15-16 and 23, the specific type of sensor is not disclosed by Padmanabhan, the examiner takes official notice that in the sensor art, use of dumb sensors, smart sensors, intelligent sensors and controllers with Neuron chips are well known, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any of the above stated sensors as desired into the system of Padmanabhan, since one of ordinary skill would have recognized the advantage of each particular type of sensor and chip used to enhance the efficiency of the system.

-- With regards to claims 24 and 27, the examiner takes Official Notice that in the building automation art, use of Bacnet protocol is well known, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate BACnet protocol into the transceivers of Padmanabhan, since this would have provided a network protocol with interoperability, efficiency, and low overhead to the building automation system of Padmanabhan.

-- With regards to claim 31, although Padmanabhan utilizes wireless transceivers(245) for intercommunication in the system, Padmanabhan also suggests use of wires for the purpose of communication in the system(see: column 4, lines 23-26). In view of this suggestion, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate wires as the communication link in the system of Padmanabhan, since wired links would have reduced the amount of interference during the transmission and reception of signals between devices in the system.

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-- With regards to claim 34, although Padmanabhan does not specifically teach the use of smoke sensors, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the sensors of Padmanabhan would have constituted a smoke sensor, since smoke sensors that detect smoke based on particle detection in air samples is well known, and therefore would have constituted the LIDARs(230) of Padmanabhan.

-- With regards to claim 40, since the system of Padmanabhan it utilized to detect and identify agents in air samples, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the sensor network of Padmanabhan with an alert system for alerting fire department or law enforcement agency, since these would have been the entities that would have handled potentially hazardous situations upon the detection of agents in the system of Padmanabhan.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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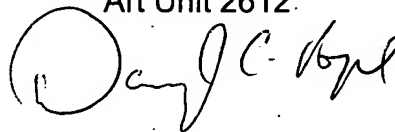
Status information for unpublished applications is available through Private PAIR only.

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Daryl C. Pope

September 10, 2006

DARYL C POPE
Primary Examiner
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A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over a circular stamp or mark.